

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 278

June 21, 1995, 8:31 p.m.
Page S-8788 Temp. Record

NATIONAL HIGHWAY SYSTEM/Passenger Open Alcohol Container Ban

SUBJECT: National Highway System Designation Act of 1995 . . . S. 440. Dorgan amendment No. 1445.

ACTION: AMENDMENT REJECTED, 48-52

SYNOPSIS: As reported, S. 440, the National Highway System Designation Act of 1995, will designate the National Highway System in accordance with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Failure to enact the bill by September 30, 1995, will result in all States losing their National Highway System and Interstate Maintenance fundings.

The Dorgan amendment would transfer 1.5 percent of a State's Federal highway funds for fiscal year 1999 and 3 percent for each fiscal year thereafter to its highway safety program if it did not have in effect at the start of the fiscal year a law prohibiting open alcoholic beverage containers in any vehicles on any public roads or rights-of-way. However, States would be permitted to allow passengers (though not drivers) in chartered passenger vehicles that have more than 10 passengers to have open alcoholic beverage containers.

Those favoring the amendment contended:

Between 1982 and 1993 266,000 people were killed in alcohol-related traffic accidents. Most of those people were innocent victims who were hit by drunk drivers. Why they died is no mystery--they were murdered by drunks who got behind the wheel. Nearly all of us know of someone who has been killed or injured by a drunk driver. The sponsor of this amendment's mother was killed by a drunk driver who was fleeing police. We need to get tougher on those people who drink and drive. It is not enough to set blood alcohol limits; we need to segregate strictly the activities. Currently, that segregation is not strict. In six States, it is totally legal for a driver to drink; in more than half the States, it is legal for passengers to drink. This situation is dangerous. Americans should be confident in knowing that as they drive from State to State they are not entering into jurisdictions where it is perfectly legal for drivers to be holding the wheel with one hand as they drink from a whisky bottle with the other. We have therefore proposed the Dorgan amendment. This amendment would make every State either adopt a strict policy of banning all drinking in motor vehicles or transfer

(See other side)

| YEAS (48) | | | NAYS (52) | | | NOT VOTING (0) | |
|----------------------------|--------------------------|---------------|----------------------------|--------------------------|----------|--------------------|------------------|
| Republicans (14 or 26%) | Democrats (34 or 74%) | | Republicans (40 or 74%) | Democrats (12 or 26%) | | Republicans (0) | Democrats (0) |
| Chafee | Akaka | Kennedy | Abraham | Inhofe | Baucus | | |
| Cohen | Biden | Kerrey | Ashcroft | Jeffords | Bingaman | | |
| D'Amato | Boxer | Kerry | Bennett | Kempthorne | Breaux | | |
| DeWine | Bradley | Lautenberg | Bond | Kyl | Bryan | | |
| Gorton | Bumpers | Levin | Brown | Lott | Dorgan | | |
| Hatch | Byrd | Lieberman | Burns | Lugar | Feingold | | |
| Hatfield | Conrad | Mikulski | Campbell | Mack | Graham | | |
| Helms | Daschle | Moseley-Braun | Coats | Murkowski | Johnston | | |
| Kassebaum | Dodd | Moynihan | Cochran | Nickles | Kohl | | |
| McCain | Exon | Murray | Coverdell | Packwood | Leahy | | |
| McConnell | Feinstein | Pell | Craig | Pressler | Nunn | | |
| Simpson | Ford | Pryor | Dole | Roth | Robb | | |
| Stevens | Glenn | Reid | Domenici | Santorum | | | |
| Thurmond | Harkin | Rockefeller | Faircloth | Shelby | | | |
| | Heflin | Sarbanes | Frist | Smith | | | |
| | Hollings | Simon | Gramm | Snowe | | | |
| | Inouye | Wellstone | Grams | Specter | | | |
| | | | Grassley | Thomas | | | |
| | | | Gregg | Thompson | | | |
| | | | Hutchison | Warner | | | |

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

a portion of their highway funds to traffic safety programs. We are confident that this amendment would provide every State the incentive that is needed to adopt strict laws against drinking in motor vehicles. We therefore urge the adoption of this amendment.

Those opposing the amendment contended:

Many of the same Senators who just argued for giving States more flexibility in spending their Federal highway funds on the Roth amendment are now saying they should lose some of that flexibility if they do not adopt a new Federal standard on alcohol consumption. We think they are being inconsistent. States can determine their own highway needs, and they can determine their own alcohol consumption laws. We are not arguing in favor of drinking while driving; we are simply saying that the Federal Government should not try to dictate local laws by threatening punishments. We therefore oppose this amendment.